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Counsel for Federal Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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| CORONAVIRUS REPORTER, CALID INC., |) | Case No. 3:21-cv-05567-EMC |
| on behalf of themselves and all others similarly |) | |
| situated, |) | Declaration of Lisa Zeidner Marcus in Support of |
| |) | Federal Defendant's Motion to Dismiss |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| APPLE INC., FEDERAL TRADE |) | |
| COMMISSION, |) | |
| |) | |
| Defendants. |) | |

Pursuant to Civil Local Rule 7-5 and 28 U.S.C. § 1746, I, Lisa Zeidner Marcus, declare as follows:

1. I am employed as a Trial Attorney for the United States Department of Justice, Civil Division, Federal Programs Branch. I represent federal defendant the Federal Trade Commission in the above-captioned action. I have personal knowledge of the matters set forth below, except those matters that are based on information and belief, which I believe to be true, and could and would testify competently to them if called to do so.

2. Attached to this declaration as Exhibit A-1 is a true and correct copy of an email chain containing an email sent on March 12, 2021, from Keith A. Mathews, Esq., to the Federal Trade

1 Commission at antitrust@FTC.gov, and a response sent on March 16, 2021, from Alan Friedman at the
2 Federal Trade Commission to Mr. Mathews.

3 3. Mr. Mathews' March 12, 2021, email contained four attachments. Attached to this
4 declaration as Exhibits A-2, A-3, A-4, and A-5 are true and correct copies of those attachments.

5 4. Exhibit A-2 is a true and correct copy of the first attachment to Mr. Mathews' email. It is
6 an amended complaint for damages and injunctive relief in *Coronavirus Reporter v. Apple Inc.*, No. 21-
7 cv-47 (D.N.H.).

8 5. Exhibit A-3 is a true and correct copy of the second attachment to Mr. Mathews' email. It
9 is a document entitled "CNBC interview corporate min.pdf," which contains Coronavirus Reporter
10 "Officer Minutes."

11 6. Exhibit A-4 is a true and correct copy of the third attachment to Mr. Mathews' email. It
12 is a document entitled "Robert Roberts short bio 2019.pdf," which contains biographical information for
13 Dr. Robert Roberts.

14 7. Exhibit A-5 is a true and correct copy of the fourth (and final) attachment to Mr.
15 Mathews' email. It is a document entitled a document entitled "Roberts CV.pdf," a fifty-five page
16 curriculum vitae for Dr. Roberts.

17 8. Exhibit A-6 is a true and correct copy of a Federal Trade Commission webpage entitled
18 "Report an Antitrust Violation," <https://www.ftc.gov/faq/competition/report-antitrust-violation>. On
19 November 4, 2021, I visited that webpage and saved a copy of it in PDF format for filing on this Court's
20 CM/ECF system. *See* Civil L.R. 5-1(e)(2) ("Documents filed electronically must be submitted in PDF
21 format.").

22 9. Exhibit A-7 is a true and correct copy of a Federal Trade Commission blog post and
23 webpage entitled "Inside the antitrust mailbox," [https://www.ftc.gov/news-events/blogs/competition-](https://www.ftc.gov/news-events/blogs/competition-matters/2014/02/inside-antitrust-mailbox)
24 [matters/2014/02/inside-antitrust-mailbox](https://www.ftc.gov/news-events/blogs/competition-matters/2014/02/inside-antitrust-mailbox). On November 4, 2021, I visited that webpage and saved a
25 copy of it in PDF format for filing on this Court's CM/ECF system. *See* Civil L.R. 5-1(e)(2).
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1 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
2 was executed under the laws of the United States on this 8th day of November, 2021.

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4 /s/ Lisa Zeidner Marcus
5 LISA ZEIDNER MARCUS
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